

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

TIMOTHY GUMM,  
ROBERT WATKINS,

Plaintiffs,  
v.

BENJAMIN FORD, *et al.*,

Defendants.

Case No. 5:15-CV-41-MTT-CHW

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**READ THIS CAREFULLY:**  
**YOUR RIGHTS ARE AFFECTED BY**  
**THE SETTLEMENT REACHED IN THIS CLASS ACTION.**

The United States District Court for the Middle District of Georgia is considering whether to approve a settlement reached in a case involving review procedures and conditions of confinement in the Special Management Unit (SMU) at Georgia Diagnostic and Classification Prison. This settlement is on behalf of a class of anyone who is now or will be in the future housed in the SMU (excluding A-wing) or in the Tier III Program. Because you are currently assigned to the Tier III Program and housed in the SMU, you are a member of the class, and the settlement, if approved, will affect your rights.

A copy of the proposed *Settlement Agreement* is attached. It provides SMU prisoners four hours per day of out-of-cell time (Monday through Friday), GOAL

tablets, increased programming time, mental health evaluations, protections for prisoners with mental illness, limitations on yard restriction, a more meaningful review of inmates' progression through the phases of the Tier III program, and stricter limits on who may be assigned to the SMU and for what duration. This is only a summary of terms. Please read the *Settlement Agreement* for detailed information. The *Settlement Agreement* will be in effect for three years, during which time Plaintiffs' counsel at the Southern Center for Human Rights will monitor the Defendants' compliance with the *Settlement Agreement* through document review, site visits, and legal visits with individual inmates. It also states that the Defendants will pay the attorneys' fees of the lawyers for the class, in an amount to be negotiated. In connection with this settlement, Plaintiffs Timothy Gumm and Robert Watkins, will receive incentive awards of \$\_\_\_\_\_ to compensate them for their service as class representatives in this case.

This notice is provided so that you have an opportunity to read the terms of the proposed *Settlement Agreement* that affect your rights while you are incarcerated in the SMU. The proposed *Settlement Agreement*, if finally approved by the Court, will be binding on all prisoners who are now or will be in the future incarcerated in the SMU. This means that any complaints you have about the policy and conditions issues in this case and in the proposed *Settlement Agreement* must be resolved through the attorneys in this case. Nothing in this *Settlement*

*Agreement* prevents you from filing a lawsuit seeking money damages for injuries related to these issues, a lawsuit pertaining to medical or mental health diagnosis or treatment, or a lawsuit regarding anything that occurs after the *Settlement Agreement* expires. The *Settlement Agreement* requires the Defendants to take certain actions to protect the rights of people in the SMU. It does not provide for money damages to any inmate.

**If you have any objections or comments about the proposed *Settlement Agreement*, you should write to the Court. Your letter must be postmarked by no later than March 1, 2019.** You should write if you have a specific objection to the terms of the *Settlement Agreement*. You can also write if you support the *Settlement Agreement*.

**Your objections or comments must contain the following:**

- (1) The case name and number: Gumm v. Sellers, 5:15-CV-41-MTT-CHW
- (2) The exact provision(s) of the *Settlement Agreement* to which you object or which you support.
- (3) An explanation of why you object to or support the *Settlement Agreement*.
- (4) Your full name and GDC ID Number.

**You should mail any objections or comments directly to the Court at the following address:**

ATTN: Gumm Settlement  
United States District Court Clerk  
475 Mulberry Street  
Macon, GA 31201

After reviewing your objections or comments, the Court will conduct a hearing on \_\_\_\_\_, 2019, to decide whether or not to approve the proposed *Settlement Agreement*. If the Judge finds that the proposed *Settlement Agreement* is fair, adequate, and a reasonable compromise of this case, then the *Settlement Agreement* will become final. If the *Settlement Agreement* is not approved by the Court, the *Settlement Agreement* will be voided, and this case will go to trial. However, if that happens, there is no assurance: (a) that any decision at trial will be in favor of the class members; (b) that a favorable trial decision, if any, will be as favorable as the *Settlement Agreement*; or (c) that any such favorable trial decision would be upheld on appeal.

If you have any questions about this notice or the *Settlement Agreement*, please contact the attorneys for the class at:

ATTN: SMU Settlement  
Southern Center for Human Rights  
83 Poplar Street NW  
Atlanta, GA 30303